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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/693,336 Confirm. No.: 3453
Filing Date: 4/19/2004
Inventor: Joseph Chisari
Title: The Stomach Sleeper
Art Unit: 3673
Examiner: SANTOS, Robert G.
Attorney Docket No.: 02107

To: Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Request for Reconsideration Pursuant to 37 C.F.R. § 1.111

Dear Sir:

Introductory Remarks:

This Petition is filed in response to the 6/13/04 Office Action, in which Examiner rejected Claim 1, the sole pending claim at that time, based on 35 USC 112, second paragraph for failing to have the proper format and also based on 35 USC 102(b) for having been anticipated in its entirety by Priester, III et al. '420 (referring especially to the following disclosures in that patent: Figures 1 & 2; column 2, lines 18-21 & 37-41; and column 4, lines 27-33). Examiner also found Applicant's declaration defective and objected to the drawings and specification for improper form and/or content.

It is suggested that all of the cited deficiencies of form were due to the pro se nature of the application, something that Examiner recognized and, as a result, kindly supplied Applicant with a written tutorial on preparing and filing patent applications with the U.S. Patent and Trademark Office. As a result of Examiner's cited Office Action, Applicant has retained the undersigned patent attorney to represent him before the PTO in connection with the pending patent.

Through his representative, Applicant is now filing a substitute specification and substitute drawings. In addition, Applicant is canceling the sole pending claim, Claim 1,

and submitting twelve new claims. Although the previously pending claim is to be cancelled, Applicant herein addresses the 35 U.S.C. 102(b) rejection of the Office Action, believing that his arguments may anticipate any questions that Examiner may have after reviewing the new claims to be inserted by the present amendment.

Applicant respectfully requests that Examiner enter the amendment, including the substitute specification and submits that, though the new specification is longer than the pending material, it contains no material not already disclosed by the pending application. That the invention involves wedge-shaped elements to support the sleeper's head and torso from rotating so as to increase the angle between the head and torso, while allowing the head to be turned away from the face-down orientation, can be understood from the totality of the pending application.

In addition to requesting amendments to the application proper, Applicant is submitting a new Declaration and Drawing (the latter consisting of three figures).

The Specification: The pending specification and the requested substitute specification are presented beginning on page 3 of this paper.

Listing of Claims: The pending claim and the requested Amendments are shown explicitly beginning on page 14 of this paper.

The Drawing: The drawing amendments are described on page 17 of this paper.

The Abstract: The pending abstract with requested amendments is presented on page 17 of this paper.

Remarks explaining the amendments and supporting the allowability of currently rejected claims after entry of the requested amendments begin on page 18 of this paper.